

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

----- X
MASPETH TRADING INC.,

Plaintiff,

- against -

NEW A&N FOOD MARKET, INC. and TU-
CHEN LIN,

Defendants.
----- X

DEARIE, District Judge.

MEMORANDUM & ORDER

13 CV 6454 (RJD) (VVP)

In his June 9, 2014 Report and Recommendation, ECF. No. 22, Magistrate Judge Viktor V. Pohorelsky recommends that the Court grant plaintiff Maspeth Trading Inc.'s motion for default judgment against defendants New A&N Food Market, Inc. and Tu-Chen Lin for violating Section 5(c) of the Perishable Agricultural Commodities Act, 7 U.S.C. § 499e(c). The Report and Recommendation further recommends that plaintiff be awarded 1) \$57,769 in damages; and 2) \$400 in costs—for a total of \$58,169—and that we deny plaintiff's request for interest and attorney's fees. Defendants were served with the Report and Recommendation by mail on June 11, 2014. No objections have been filed, and the time to do so has expired.

Having considered the papers submitted in connection with plaintiff's motion and Magistrate Judge Pohorelsky's comprehensive analysis, the Court adopts the Report and Recommendation without reservation. Accordingly, the Court grants plaintiff's motion for entry of a default judgment against defendants and awards plaintiff \$58,169 in damages and costs against defendants, jointly and severally. The Clerk of the Court is directed to enter judgment accordingly.

SO ORDERED.

Dated: Brooklyn, New York

July 29, 2014

/s/ Judge Raymond J. Dearie

RAYMOND J. DEARIE
United States District Judge